

Application No: 10/759,707

4

REMARKS/ARGUMENTS

In response to the Examiner's rejection in view of the cited reference, U.S. 6,813,813, Lu, the applicant incorporates claim 3 into claim 1. The applicant believes the amended claim 1 shows obvious distinguishability from Lu.

In the office action, the Examiner thought claims 1-7 have already been disclosed by Lu. With reference to Fig. 1 of the application and Fig. 2 of Lu, the Examiner considers the recess (234) in the upright portion (232) of the application to be the same as the notch (13) in the leg (11). The Examiner also considers the protrusions (112) on the positioning member (11) to be the same as the finger (55) on the positioning disk (50). However, the recess (234) and the protrusions (112) of the application are actually different from the notch (13) and the finger (55) of Lu.

The amended claim 1 defines the recess (234) having innermost curved surfaces and the protrusion (112) having outermost curved surfaces in contact with each other. With the curved surfaces, the protrusion (112) can engage and disengage the recess (234). However, the finger (55) cannot disengage the notch (13).

When the protrusion (112) engages the recess (234), the hinge in the application positions the cover with respect to the base of the notebook. However, the finger (55) extending into the notch (13) and selectively abutting the two sides of the notch (13) only limit the rotating angle between the cover and the base of the notebook in Lu but does not position the cover relative to the base. The engagement between the protrusion (112) and the recess (234) of the application does not limit the rotating angle between the cover and the base of the notebook. Therefore, the function and the movement provided by the

Application No: 10/759,707

5

protrusion (112) and the recess (234) are different from the notch (13) and the finger (55).

Since the structure, the movement and the function of the application are different from that of Lu, Lu indeed fails to disclose all the limitations in the amended claim 1. Therefore, claims 1, 6 and 7 should not be rejected based on 35 U.S.C. 102(e) and should be allowable.

Because Lu fails to disclose all the limitations in the amended claim 1, inferring claims 2, 3, 4 and 5 over Lu in view of Kaneko et al ("Kaneko" U.S. Patent No. 6,421,878) would have been non-obvious to one having ordinary skill in the art.

The applicant believes that the foregoing argument overcomes the rejection to the referenced application and thus early approval of the referenced application is earnestly solicited.

Respectfully submitted,

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